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# *City Attorney*

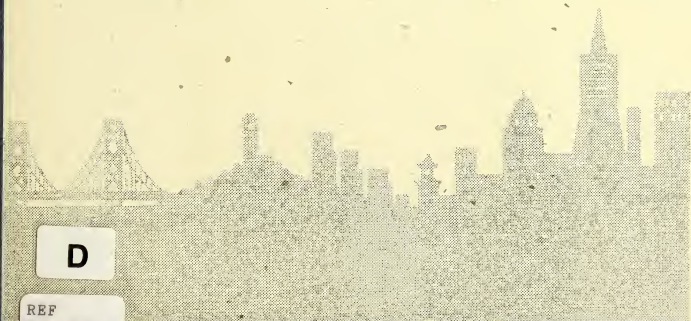
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## Community Report

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**Dear Interested Reader:**

One of the great rewards of being the San Francisco City Attorney is the unparalleled opportunity it offers me to contribute to the city I love.

Every aspect of city government demands the creative involvement of public sector lawyers. I have the good fortune to work with a team of experienced, talented and dedicated deputy city attorneys and support staff who improve the quality of life in San Francisco every day by working hard to find smart solutions to complex problems.



Louise Renne  
City Attorney

Because we represent the interests of the city in all of its many facets, we have the chance to roll up our sleeves and participate in a fascinating variety of projects large and small that demand our legal acumen. Every moment brings us face-to-face with the opportunity to exercise our best judgment on behalf of San Francisco. As far as I am concerned, there are few challenges more satisfying.

This report is intended to provide you with an introduction to the San Francisco City Attorney's Office. The issues presented are evolving on a daily basis. It may be that by the time you read this, the status of the litigation described in these pages will have changed. We will prepare periodic updates of this report, but for up-to-the-minute information on developing matters, please log on to our web site, [www.ci.sf.ca.us/cityattorney](http://www.ci.sf.ca.us/cityattorney). The site will give you a closer look at the legal issues San Francisco encounters and how the city responds to them.

In the meantime, I hope the information presented here will bring you closer to our work. Let us know if you have questions. Your calls, e-mails and letters are always welcome.

**Louise Renne**  
City Attorney

## Effective representation in a changing city

**S**an Francisco is fortunate to attract outstanding legal talent from private law firms, judicial clerkships and other public and nonprofit agencies as well as promising entry level lawyers from law schools nationwide. Most attorneys who come to work at the City Attorney's Office have significant prior legal experience. On average, incoming attorneys have been practicing for seven years.

Experienced and novice lawyers alike are attracted by the reputation of the office for highly skilled work as well as by a desire to serve the community. The office is well known in the California bar and among public sector lawyers nationally for its innovation and energy. It is widely regarded as one of the best places to practice cutting-edge municipal law. The office rewards creative legal thinking, adroit negotiating ability, superior advocacy and research skills and a commitment to making city government work well in the interests of the people it serves.

As with all municipal law offices, the City Attorney's Office has experienced an increase in specialization as a result of the growing demands placed on city government by changes in state and federal law.

The principal functions of the office are to litigate on behalf of the city and to provide legal advice to city agencies and officers. The office places a strong emphasis on team work. Deputies and support staff are organized into issue-oriented teams constituting a variety of legal specialties.

The trial lawyers, who make up the litigation team, defend the city when it is sued, and sue on behalf of the city when the city's legal rights have been infringed.

The lawyers who serve as counsel for city departments constitute a number of teams with highly specialized expertise providing legal advice to departmental personnel. Their responsibilities are wide-ranging and cover every function of city government. They draft city ordinances, review all municipal contractual relationships, and advise boards and commissions on their legal rights and responsibilities, among other duties.

Here is a snapshot of the responsibilities and some recent activities of each team.

**The Airport Team** serves as legal counsel for the fifth busiest airport in the United States. It provides daily advice on all legal matters including business, construction, land use, personnel and labor issues. It handles all airport litigation, including environmental and sound abatement cases, and advises on federal aviation regulations, statutes and rulings.

The team did extensive legal work on the \$2.4 billion airport expansion program. Among other tasks, it negotiated a project stabilization agreement with the San Mateo Building and Construction Trades Council, ensuring labor harmony throughout the multi-year project. It successfully defended the legality of the agreement in the California courts and won a unanimous decision by the California Supreme Court. It also provided crucial planning guidance for airport operations, reconfiguration of the runway system, and Y2K readiness.

**The Appellate Team** consists of a single, specially-assigned attorney working in conjunction with senior staff on quality control

San Francisco City Attorney Louise Renne has been reinventing public law since she took office in 1986. Her willingness to take on seemingly impossible fights is really unparalleled. She's put together probably the best city attorney's office in the nation.

California Law Business Magazine  
September, 1999

of appellate briefs. Each brief is reviewed and edited for style and persuasiveness. All appeals cases in state and federal court receive critical scrutiny by the appellate review team.

**The Code Enforcement Team** is a division of the litigation team handling all matters relating to enforcement of the Health and Safety Code, the Housing Code, the Building Code, the Fire Code, and the Disability Access Regulations.

The team also works with an interdepartmental enforcement unit. In monthly meetings, a task force made up of representatives of the Planning Department, the Building Inspection Department, the Police Department, the Fire Department, the City Attorney's and District Attorney's Offices and the Health Department coordinate action on properties that have become hazardous to occupants and neighbors. In cases where owners have refused to comply with city citations, deputy city attorneys review the circumstances with an eye to possible litigation.

Soon after its creation by the city attorney in 1991, the team won an award from the Ford Foundation for its innovative enforcement efforts.

It has an outstanding track record of making the owners of blighted property take responsibility for upkeep. The team has won court orders and monetary judgments that have brought some of the city's most dilapidated and problem properties up to code.

It has shut down crack houses, ended drug dealing at corner liquor stores, and rehabilitated apartment house slums. Beginning in April, 2000, it initiated a series of lawsuits against the owners of single room occupancy hotels for violating tenant protections under state and local law.

In fiscal year 1998-99 the team collected over \$865,000 for code violations under state and local law.

**The Construction Team** advises city departments on public works construction projects. Team attorneys draft contracts and legislation, provide advice during the planning, design and building stages, handle bid protests and defend against contractor claims. The team also prosecutes defective work, false claims, and administrative debarment actions against contractors.

The team has modernized city statutes governing public works projects and updated standard templates for construction and design-build contracts. Major projects supported by the team have included the Asian Art Museum, the Civic Center Courthouse, the City Hall renovation, the Moscone Center expansion, the PUC program management contract, and the Laguna Honda Hospital replacement project.

**The Contracts and Intellectual Property Team** was established by the city attorney to standardize and streamline the city's bidding and contracting procedures. The city enters into thousands of contracts each year through its various departments, boards and commissions. Numerous city ordinances and state and federal statutes govern the content of these contracts and the process for acquiring them.

The team has updated city contracts and simplified contracting procedures by assisting the city purchaser in implementing comprehensive revisions to purchasing rules and regulations. It has also streamlined procurement ordinances, revised form agreements, drafted model agreements and created contract checklists for use by departments.

Enclosed is a copy of United Airlines' employee news release announcing the official start of full domestic partner benefits to all United employees. Please pass this on to all who participated in the ATA case last year. We are all celebrating here! Thank you again from the bottom of our hearts for all your help in bringing equality to our workplace.

Joe Oshinski  
United Airlines employee  
May, 2000

The team negotiates and drafts many of the city's complex purchase and service agreements. These include contracts for computer software licensing and the purchase and maintenance of information technology equipment. Team members also advise departments on licensing of the city's intellectual property, and copyright, trademark, and trade secret protection.

Major projects supported by the team have included the 911 emergency communications center and the 800 MHz radio system, expansion of the public toilet kiosk program, the city's bid for the 2012 Olympics, and the automated voting system.

**The Energy Team** was established by the city attorney in 1998 in response to state deregulation of the energy industry. The team protects San Francisco's interests as a consumer of electricity and as the operator of a utility, Hetch Hetchy Water and Power.

The team represents the city in proceedings before the California Public Utilities Commission and the Federal Energy Regulatory Commission.

A primary focus of the team is to promote the reliability of power delivery systems in San Francisco and the rest of the Bay Area. In conjunction with city attorney litigators, the team negotiated a \$1.1 million recovery in 1999 from Pacific Gas & Electric Co. for damages sustained from the massive December 8, 1998 power outage. As an important part of the settlement agreement, city negotiators won a commitment from PG&E to address city concerns about the reliability of the energy delivery system, inaugurating a critical dialog intended to prevent future blackouts.

**The Environment Team** advises city departments on compliance with state, federal and local laws governing occupational health

and safety, toxics and hazardous materials. The team files suit to force polluters to pay the costs of removing toxic wastes dumped or left behind on city property. It also enforces the environmental remediation requirements for construction projects and assists city departments in managing clean-up orders issued by federal and state authorities.

Major projects supported by the team include: the development of Mission Bay; the base conversion projects involving Hunters Point Naval Shipyard, Treasure Island and the Presidio; the Embarcadero roadway; and the central freeway demolition and reconstruction project.

**The Ethics Team** is legal counsel to the Ethics Commission. It advises all city officers and employees on compliance with state and local government ethics laws and elections issues. Attorneys on the team also investigate complaints of misconduct.

**The Family and Children's Services Team** is counsel to the Family and Children's Services Division of the Department of Human Services. Attorneys on the team represent children who have been made dependents of the court in child abuse and neglect cases. The team also ensures city compliance with all federal and state laws as well as regulations governing child welfare.

The team manages 3,000 active cases. It also participates in ongoing legal training for child welfare workers, foster parents, court-appointed advocates and others in the child welfare system.

Team attorneys participate in numerous interdisciplinary working groups with the Departments of Juvenile and Adult Probation, the District Attorney's Office, the Police Department, the Mental Health Division of the Department of Public Health, the Medical

This suit has changed the behavior of the tobacco companies. They no longer can target children in the way they have in the past. I want to acknowledge San Francisco for initiating this suit against the Phillip Morris company.

Bill Lockyer  
California Attorney  
General  
February, 2000



Examiner's Office, the Child Abuse Prevention Council, San Francisco General Hospital, and Court Appointed Special Advocates.

**The Finance, Real Estate and Special Projects Team** protects the city's financial interests in all matters concerning municipal finance and real estate development. Team members provide advice on legal matters pertaining to lending and project finance, real estate transactions, insolvency, and construction.

The team is committed to cultivating the city's business acumen. Team members work with city departments and agencies to find new ways to increase revenues and decrease costs. They also implement strategies to help safeguard the city from exposure to liability in its business and financial dealings.

Major projects supported by the team have included the redevelopment of Mission Bay, the downtown ballpark, the Asian Art Museum, the Civic Center Courthouse, the Main Library, the City Hall renovation, the Moscone Center expansion, the Opera House rehabilitation, the Embarcadero roadway, the 911 emergency communications center, the Emporium site project, the 49ers stadium/mall project, the planned reconstruction of Laguna Honda Hospital, and the base conversion projects at Hunters Point Naval Shipyard, Treasure Island and the Presidio.

The construction of affordable housing and the fostering of community and economic development is another principal focus of the team. Team members have assisted in the development of numerous other affordable housing projects, and the drafting of the inclusionary housing policy in the city's General Plan. In addition, the team has provided assistance on the unreinforced masonry building loan program (which includes an affordable housing component)

and the administration of the federal HOME and Community Development Block Grant Programs.

**The General Government Team** is legal counsel to the mayor and the Board of Supervisors. It also provides day-to-day advice to a broad range of city departments, agencies, boards, and commissions.

Departments and agencies represented by the team include the San Francisco Civil Grand Jury, the Recreation and Parks Commission, the Arts Commission, the Human Rights Commission, the Library Commission, the Rent Board, the Assessment Appeals Board, the San Francisco Superior Court, the County Clerk, the County Recorder, the Public Administrator and Public Guardian, the Small Business Commission, the Sunshine Task Force, the Veterans Affairs Commission, the Fine Arts and Asian Arts Museums, and the Offices of the Treasurer and Controller.

Team members provide advice on all areas of law relating to the operation of the city's boards and commissions, including constitutional law, contracts, labor law, copyright law, municipal law, and laws governing meetings and public records. Team members furnish legal advice at all board and commission meetings.

The team drafts city ordinances and defends the city when an ordinance is challenged in court. The team has defended the city's newsrack regulations and its minority contracting program, among other notable statutes.

The team also provides all departments with advice and training required for implementation of the city's Sunshine Ordinance.

**The Health, Education and Social Services Team** provides legal advice to the Department of Human Services; the San Francisco Unified School District; the Mayor's Office of Homelessness; and the Department of Public Health, including San Francisco General Hospital and Laguna Honda Hospital, the second largest skilled nursing facility in the United States.

The team assists with strategic planning in response to complex legal issues raised by education and health policy shifts at the national level. The team addresses a wide range of issues such as indigent care; AIDS law; medical records privacy; safety net services, including welfare-to-work and homeless programs; billing compliance; informed consent to medical and mental health care; and school choice.

**The Labor Team** provides advice to all city departments and officials on employment and labor law matters. The team advises departments and officials on collective bargaining, employee discipline and grievances, Equal Employment Opportunity requirements, and memorandum of understanding and city charter obligations. The team represents the city in a wide range of employment and labor litigation matters in state and federal court, as well as in arbitrations arising under MOU's with employee organizations.

**The Land Use Team** is counsel to the Building Inspection Commission, the Planning Commission, the Access Appeals Commission, the Board of Appeals, the Landmarks Board, the War Memorial Board, the Department of Public Works, and the Department of Real Estate.

The team provides advice on the city's General Plan, the city planning and building codes, use of public streets and sidewalks, historic

preservation, eminent domain and "takings" law, acquisition of open space, real estate appraisal, disabled access, fair housing laws, and the authorization and construction of public and private development projects (involving interpretation of the California Environmental Quality Act, design review, planning approvals, building permits, and construction inspection).

Among the team's major projects have been the development of Water Department property in Pleasanton, the redevelopment of Mission Bay, the downtown ballpark, the Asian Art Museum, the Main Library, the Civic Center Courthouse, the San Bruno Jail, the airport runway project, the Emporium site project, and the reuse of Hunter's Point Naval Shipyard and Treasure Island.

With the support of the city attorney, a member of the team was a principal founder in 1998 of the Community Land Use Project of California, which assists local and state government in effective land use planning. The team was instrumental in obtaining a two-year \$450,000 grant from the Packard Foundation for the project's activities.

Notable litigation by team attorneys includes the successful defense of a 1998 voter initiative limiting owner move-in evictions and protecting elderly and disabled tenants; the defeat of GTE Mobilnet's attempt to use government eminent domain powers for private purposes; the successful defense of challenges to the construction of the Asian Art Museum at Civic Center and the North Beach parking garage; and a successful outcome in litigation over the expansion of Moscone Center, saving the city \$15 million in costs.

**The Litigation Team** consist of the city's trial lawyers. It primarily engages in defense work. Such is the traditional role of a city attorney's office. When the city is sued, deputy



city attorneys appear in state and federal court to defend it.

In recent years, however, the city attorney has expanded the team's affirmative litigation efforts to include impact litigation in a number of key areas, most prominently banking, title insurance, tobacco and firearms.

The litigators comprise the largest team in the office. The notable cases described elsewhere in this report are primarily the work of the litigation team.

**The Port of San Francisco Team** is counsel to the Port Commission and offers legal advice on port issues to all city departments and officials. The team has been instrumental in the implementation of the Waterfront Land Use Plan and in a city prohibition against advertising on the Bay.

**The Public Protection Team** is counsel to the city's public safety agencies, officers and commissions, including the Police Department, the Fire Department, the Sheriff's Office, the District Attorney's Office, and the Department of Parking and Traffic. The team also provides advice to the mayor and Board of Supervisors on legislation relating to public safety and quality of life issues. Team members work with representatives of the city's public safety agencies to coordinate activities and services to the public on a system-wide basis.

**The Public Utilities Team** is counsel to the San Francisco Public Utilities Commission. The team provides legal advice on the management of Hetch Hetchy Water and Power, the city department governed by the Commission. The team advises on water law and regulatory issues concerning Hetch Hetchy, which provides water to two and a half million people in the Bay Area and generates hydroelectric power for municipal use in San Francisco and throughout the region.

The team represents San Francisco's water rights in state regulatory proceedings and court challenges. In addition, the team handles the legal aspects of the Water Department's sizeable real estate interests, including some 63,000 acres of watershed land. The team also advises on all legal issues concerning the San Francisco Clean Water program.

**The Retirement Team** represents the San Francisco Employees' Retirement System, a \$10 billion self-administered trust fund. The team handles disability pension claims (a caseload of 150-200 claims at any given time), marital dissolution litigation where the pension plan is a party, and benefits disputes. It advises the Retirement Board, analyzes fiduciary issues, and reviews questions from the Retirement System staff relating to the administration and investment of the pension assets.

The team also advises the Retirement System on IRS compliance and benefits issues arising in connection with the system's \$750 million deferred compensation plan for city employees.

As of this writing, the team is working with city attorney litigators and outside counsel to defend against a complex class action claim for \$100 million in pension payments. It is also working with litigation team attorneys to prosecute a \$10 million lawsuit against the Hartford Insurance Company, the Retirement System's former deferred compensation plan administrator.

**The Tax Team** advises the Offices of the Tax Collector and the Assessor and all other city departments on issues related to federal, state and local taxation. The team represents the assessor and the tax collector in court proceedings and hearings before the city's Assessment Appeals Board and the Business Tax Board of Review. The team reports and comments on local and state legislation in the

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I want to take a moment to express my appreciation of your office's assistance and good counsel. Your insights and accessibility are sincerely valued as are the many accomplishments of you and your staff.

Supervisor Mark Leno  
December, 1999

area of taxation, and litigates matters involving tens of millions of dollars in tax revenues annually.

**The Telecommunications Team** was created by the city attorney in response to the growing need for legal expertise particular to the information age economy. The team is legal counsel to the Department of Telecommunications and Information Services and advises all departments on telecom and technology law. The team also supports the city attorney in her work as a member of the Federal Communications Commission's Local and State Government Advisory Committee.

The team was instrumental in negotiating the transfer in 1999 of the city's cable TV system from TCI to AT&T. The transfer agreement requires AT&T to construct a new cable infrastructure for the city that will carry digital communications 100 times faster than current telephone cables. The upgrade will provide business and residential users with much improved access to the internet and other electronic media.

The transfer was closely watched nationally due to its implications for cable system access by internet service providers. The team filed a friend of the court brief in support of the city of Portland, Oregon in a federal lawsuit by AT&T concerning local authority over cable modem access. The suit was decided in AT&T's favor.

**The Transportation Team** is legal counsel to the Municipal Transportation Agency and also advised its predecessor, the Public Transportation Commission, which was replaced by a voter initiative approved in November, 1999.

The team provides advice on all areas of law related to the operation of the city's public transit system. The team advises on issues as diverse as the First Amendment; public records

laws; contracts; construction; procurement; labor law; workers' compensation; and local, state and federal transportation laws and regulations.

The team is closely involved in the continuing improvement of MUNI services. Team members provided legal counsel to the MUNI improvement panel established by the mayor in 1998, consisting of the city attorney, the controller, the purchaser, the human resources director and the transportation authority executive director.

Attorneys on the team provided critical contract negotiation services leading to a number of MUNI improvements. Among the agreements negotiated with team assistance were contracts for the rehabilitation of Boeing light rail cars and engineering support for the Advanced Train Control System regulating subway traffic. They also negotiated the contract for MUNI's Nextbus system, satellite technology allowing riders to check electronic displays at their bus stop to determine when the next bus is due to arrive.

Team members negotiated the 1999 transfer of 45 new diesel buses from AC Transit to MUNI, providing a major upgrade to the rolling stock. They advised MUNI in the revision of its disadvantaged business enterprise program pursuant to changes in federal regulations. They also submitted trademark registration papers for the MUNI logo.

**The Workers' Compensation Team** is counsel on all workers' compensation matters for the city, the school district, and the community college district.

A special unit on the team consists of deputies with particular expertise in fraud cases focuses on uncovering and deterring illegal conduct. The unit works closely with departments to identify and resolve instances of possible fraud.

It refers criminal violations to the district attorney for possible prosecution.

Attorneys on the team also advise on disability pay procedures and serve on hiring panels for positions within the workers' compensation division. In addition, they conduct a comprehensive interdepartmental training on workers' compensation laws, the Americans with Disabilities Act, and the Family and Medical Leave Act.

In coordination with the Department of Human Resources, team members are active on a range of issues related to workers' compensation policy, in particular, ongoing efforts to revise and improve the workers' compensation system. The team leader represents the city attorney on the Mayor's Council on Workers' Compensation. The Council reviews the administration of the workers' compensation system, researches practices employed by other jurisdictions, and suggests innovations. Its efforts are directed at reducing the city's costs and improving the delivery of benefits to injured employees.

This task force could not function without the city attorney's office and the assistance that office provides. All of their work and counsel are appreciated.

David Pilpel  
President  
Sunshine Task Force  
December, 1999

## Efficient Management for an Active Office

I was tremendously impressed with the work that you and your lawyers have done in conceiving and implementing the code enforcement task force. It could serve as a national model for addressing the problems associated with abandoned and neglected housing in the inner city.

C. Daniel Motsinger  
Krieg, Devault,  
Alexander & Capehart  
Indianapolis, IN  
October, 1999

The smooth operation of the City Attorney's Office depends upon the coordinated efforts of a group of management professionals with expertise in widely diverse areas. The chief of administration supervises a team of librarians, personnel officers, information systems experts, legal secretaries, budget administrators, and clerical staff.

In addition to supporting the legal staff, recruiting top talent, and managing budget priorities, the team coordinates public interest legal conferences held under the auspices of the City Attorney's Office. These have included meetings of the International Municipal Lawyers' Association, the Public Safety National Coordination Committee of the Federal Communications Commission, and national conferences on municipal gun litigation.

### INFORMATION SYSTEMS

The city attorney has placed a strong emphasis on in-house technological innovation. The office is expertly served by a computer technologies team, which ensures that attorneys and staff maintain proficiency in the latest available technological tools.

The team runs an extensive training program in specially customized software providing entry-level instruction as well as continuing education in new products. Team members also operate a hotline for resolving applications problems.

Departmental information systems rely on a coordinated array of hardware at five remote sites. Team members routinely evaluate and

maintain networked servers, routers, switches, desktop computers, scanners and printers to ensure peak efficiency.

An emphasis on continuing education within the team itself ensures the superior quality of the office's systems and the proficiency of its staff.

### LIBRARY SERVICES

City attorney librarians maintain three libraries, one at City Hall and two at Fox Plaza. They conduct in-depth research and provide general reference assistance to attorneys, staff and interns. They ensure that staff has access to on-line legal resources.

The librarians are also responsible for providing a codification of ordinances and a database of city attorney advice letters. In 1999, they provided internet and CD-ROM versions of the San Francisco Municipal Code for the first time. The on-line codes, posted at <http://www.amlegal.com/sanfran/sanfran.htm> by American Legal Publishing, are updated weekly.

The librarians are active members of the American Association of Law Libraries, connecting the office with state-of-the-art trends in legal research nationwide.

### CONTINUING LEGAL EDUCATION

The administration team offers an in-house continuing legal education program for deputy city attorneys. The program is certified by the state bar and enables deputies to qualify for the bar requirement of continuing education course work. Courses allow attorneys to remain current with recent developments in the law, especially topics of particular importance to public law practitioners and provide a forum for deputies to share their expertise with one another.

### CITY-WIDE TRAININGS

City officials are required to comply with state and local laws whose purpose is to foster open government to avoid conflicts of interest. The administration team offers training programs in these legal requirements to all city departments.

Most recently, the team coordinated training for the implementation of the November, 1999 voter initiative expanding the provisions of San Francisco's Sunshine Ordinance.

The team also conducts training programs for all departments on sexual harassment in the workplace.

### INFANT CARE CENTER

The city attorney infant care center, organized and supported by the administration team, celebrated its ten year anniversary in March, 2000. In a joyous reunion celebration, children who are now ten and eleven years old returned to play and laugh with the people who took care of them as toddlers.

The center has been a long-standing priority for the city attorney. When it opened in 1990, it was the first on-site child care center for city employees. It was also the first child care center in a San Francisco law firm, and the first in the Civic Center neighborhood. The center serves children from three to 18 months old at two Civic Center locations, Fox Plaza and City Hall. It is operated by a staff of dedicated experts from Marin Day Schools.

## Uncovering the facts in complex cases

To assemble factually sound cases, city litigators depend upon a skilled team of professional investigators with a well-deserved reputation in the law enforcement community for effectiveness, intelligence and professionalism. As is the case with many private law firms, investigators are central to the office's ability to competently litigate factually complex scenarios.

The claims team of the City Attorney's Office is a separate division of the investigative division. Adjudicators on the team review administrative claims filed against the city, including those that may be precursors to lawsuits. The MUNI claims division was transferred to the City Attorney's Office in 1996, and together the merged divisions review roughly 7,500 claims annually.

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I write to commend you and your lawyers on your extraordinary contribution to the Mission Bay Project. Thank you for assigning such talent to this complex undertaking.

Pamela Duffy  
Coblentz, Patch,  
Duffy & Bass  
August, 1999

## A Responsive Customer Service Plan

The City Attorney's Office strives for a high level of accountability and responsiveness. Office organization emphasizes team work as the best means to achieve tangible results. Not only is the office itself organized into teams, staff members employ a cooperative approach in their work with other city agencies.

Most of the business conducted by the office involves city departments and officials, which, under the Charter, are the clients of the city attorney. The nature of the office's dedication to its clients can be summed up in two words, "government working." The office is above all a problem-solving agency. Deputy city attorneys are committed to providing skillful legal services that facilitate the operation of their client departments.

The office also provides some direct services to city residents. Though the office does not represent citizens in legal disputes, it does investigate complaints and reply to requests for information regarding city ordinances and legal obligations.

It is a fundamental requirement of a municipal law office to stay in close touch with the day-to-day experiences of local citizens. Deputy city attorneys serve as the public information officer on a rotating basis for two weeks at a time. The shared responsibility for fielding citizen inquiries gives each attorney critical exposure to the kinds of legal questions involving city government that concern San Francisco residents. The experience of helping people to resolve these questions provides attorneys with a heightened understanding of

residents' needs and enables the office as a whole to better perform its function of representing the city.

Aside from responding to informational inquiries, the central citizen assistance component of the office is the Code Enforcement Team. The team operates a hotline, (415) 554-3977, for taking complaints about violations of housing, building, health, safety, fire, and disability regulations. Each complaint receives prompt attention from investigators, attorneys and support staff.

Deputy city attorneys on the team facilitate meetings between property owners and city agencies to help reach amicable resolutions and abatement of violations short of legal action.

Team attorneys also attend neighborhood meetings on a regular basis to stay in touch with developing code enforcement issues affecting the community. Each attorney on the team is assigned to a geographic district covering one or more city neighborhoods. Attorneys are in close regular contact with San Francisco police officers, health inspectors, and building inspectors operating in each district of the city.

The offices other citizen service division is its team of claims specialists, who process petitions filed against the city by aggrieved individuals.

The claims team determines the validity of legal claims made against the city. The objective of the team is to make a fair and comprehensive inquiry into allegations regarding the city's legal liability. Claims officers do not function as case workers to assist citizens in redressing grievances. For such assistance, claimants must obtain legal counsel.

Those of us who have spent our lives in public service cheer the accomplishments of the San Francisco City Attorney's Office.

Norman Y. Herring  
Glenn County Counsel  
August, 1999



Team members are trained to treat each claim on its merits and to render objective determinations of the facts. The team's emphasis on objectivity serves the interests of both the citizen claimant and the city, which requires an impartial claims process in order to arrive at an informed decision about its liability.

## A Home-Town Commitment by Attorneys and Staff

Deputy city attorneys and support staff are not only public servants, but also neighbors who care about making San Francisco a vibrant and engaging place to live.

Employees in the City Attorney's Office are active in more than 60 community groups and 22 national and local legal organizations.

As legal counsel for every operation of municipal government, the office employs a wide range of lawyers with highly developed expertise in specialized areas. Many of them play leading roles in issue-oriented advocacy organizations such as the Community Land Use Project of California; the Sierra Club; the Legal Community Against Violence; the Museum Attorneys Group; Earth Island Institute; and the Sovereignty Symposium, a yearly conference on tribal law and government.

A number of deputies volunteer time and expertise to provide low income Bay Area residents with legal representation. They donate services to such outstanding organizations as La Raza Centro Legal, Bay Area Legal Aid, the AIDS Legal Referral Panel, the Stanford Public Interest Law Foundation, California Women Lawyers, the San Francisco Women Lawyers' Alliance, and California Indian Legal Services.

Other attorneys and staff members are engaged in outreach to at-risk youth through their work with community service groups such as the San Francisco Boys and Girls Clubs, Huckleberry

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Vindication finally arrived last week for a whistleblower bank employee and a city attorney who took on one of the region's most powerful institutions. Patrick Stull, a former manager in Bank of America's corporate trust unit, and City Attorney Louise Renne deserve credit for their courage and perseverance. As a result of their efforts, many millions of dollars can be used on roads, schools, and other public projects.

San Francisco Examiner  
November, 1998

Youth Programs, the San Francisco Bar Association School-to-College Program, the Lavender Youth Recreation and Information Center, the Child Abuse Prevention Center, and Court Appointed Special Advocates.

Of course, many staff members are also active in their own children's schools and extracurricular activities. Some are PTA parents, others are soccer coaches, Brownie and Scout troop leaders, and academic tutors.

Many lawyers in the office are involved in associations of legal professionals dedicated to promoting civil rights and equal opportunity. Among them are the Judicial Council's Family and Juvenile Law Committee, the Filipino Bar Association, La Raza Lawyers' Association, the Asian American Bar Association, the Charles Houston Bar Association, the National Center for Youth Law, Filipino Civil Rights Advocates, and Bay Area Lawyers for Individual Freedom.

Other staff members devote time and services to organizations that support people with disabilities such as the Rose Resnick Lighthouse for the Blind and the Deaf Education and Access Foundation.

A number of staff members are active in community cultural organizations such as the Pacific Mozart Ensemble, the Lesbian/Gay Chorus of San Francisco, American Indian Contemporary Arts, the Irish Cultural Center, and the Jewish Community Center.

Civic beautification is also high on the list of community interests. Staff members serve with groups dedicated to preserving and enhancing open space such as the Neighborhood Parks Council, Friends of Dolores Park, the Sierra Foothill Conservancy, the San Joaquin River Parkway and Conservation Trust, the AIDS Memorial Grove, and the San Francisco Bay Trail.

The investment in community life represented by these group affiliations is an important part of the culture of the City Attorney's Office. It keeps staff members motivated to give their best to the city every day.

A thousand cheers to you! There are so many of us in the legal community who were applauding when we read the goal of the city attorney for 'appropriate gun control so that citizens and children are protected.'

There is certainly no shirking from our modern-day Goliaths — the tobacco industry and now the gun industry — by the San Francisco City Attorney's Office.

Carol Kinglsey  
Carroll, Burdick &  
McDonough  
November, 1998

## Seeking Creative Solutions to Complex Problems

The work of the City Attorney's Office is often a centerpiece of city government. The office is involved in every matter of significance at one time or another, whether by drafting an ordinance, advising a city commissioner or department head, or working on litigation.

Most cases the office handles reflect matters of particular local concern. But in some circumstances the city works together with other local governments around the state and the nation to pursue matters of mutual interest. In particular, the city attorney has played a leading role in instituting joint action among local and state governments nationwide involving tobacco control, gun safety, homebuyer escrow protections, and bank management of bond money for public works projects. Here are some notable recent issues in which the city attorney has taken an active role.

### FIRST SOURCE HIRING

A great deal of the city attorney's work takes place outside the courtroom as deputy city attorneys advise departments and officials on the creation of programs to respond to the city's changing needs.

One such initiative designed with extensive city attorney involvement in 1999 is the First Source Hiring Program. First Source creates job opportunities for former public benefit recipients. It is a cooperative effort of local businesses, unions, job trainers, city departments, and job seekers. Under the program, city contractors consider entry level employment applications from economically

disadvantaged candidates for 10 days before advertising job vacancies.

Besides providing an employment resource to help people enter the workforce, the program also helps public and private job training agencies identify the skills most in demand so they can better focus training services. Among the creative aspects of the program is its joint administration by various city departments, eliminating the need to create a new bureaucracy.

### INFRACTION ENFORCEMENT

In an effort to apply fresh thinking to an old problem, in January, 2000 the city attorney assigned two deputies to try new ways of enforcing violations of the city's quality of life laws.

This initiative was funded by the Board of Supervisors at the request of the mayor. It involves the use of city attorney personnel acting under the auspices of the district attorney, who has the legal jurisdiction over quality of life infractions.

The attorneys on the quality of life detail represent the city in court appearances by people who receive tickets for drinking in public, using the streets as a bathroom, sleeping in doorways, and vending without a license.

Though these activities are unlawful, the program's approach is to address underlying causes rather than to take punitive action. In a unique partnership, the attorneys assigned to the program work closely with the San Francisco Pre-Trial Diversion Program, a private non-profit organization that connects people in need with social services that can help them.

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Please know that there are many, many San Franciscans cheering your decision [to enforce the California Smoke Free Workplace Act]. Keep up the good work and make sure everybody obeys the law.

Steve Juliano  
San Francisco resident  
July, 1999

The Department of Public Works and the City Attorney's Office have done a remarkable job attempting to keep the streets clean and making business and property owners more accountable.

Ethel Siegel Newlin  
16th & Mission  
Community Public Safety  
Task Force  
January, 1999

In the first four months, nearly 50 people enrolled in community based programs providing job training, substance abuse treatment, career counseling, instruction in English as a second language, or volunteer work at community-based organizations.

#### **TOWING PROHIBITION**

Responding to complaints from motorists, the city won a court order prohibiting the operator of a San Francisco towing company from doing business statewide in 1999. The operator, who was charged with hundreds of illegal tows, was also fined \$214,000 for violating state and city statutes.

The city charged the operator with towing vehicles from private parking lots in San Francisco without authorization by lot owners or a valid business license, and for refusing to accept payment by credit card or check as required under state law.

The court permanently prohibited the operator from towing cars from private property statewide and ordered him to return \$52,500 in illegal profits from 523 tows beginning in January, 1996. It also fined him for 747 illegal tows from July, 1996 to August, 1999 and an additional 174 illegal tows in violation of an earlier preliminary injunction.

#### **MT. DAVIDSON CROSS CHALLENGE**

A long-running challenge to the status of the 103-foot cross on top of San Francisco's Mt. Davidson moved closer to resolution in 1999 when a U.S. District Court ruled that the city's sale of the cross to a private non-profit organization does not violate the separation of church and state in the California and U.S. Constitutions.

The court held that the city's 1997 sale of the cross to the Council of Armenian American Organizations of Northern California was a

valid means of resolving a lawsuit by civil rights organizations alleging city maintenance of the cross constituted an impermissible governmental involvement with religion.

The city sold the cross along with one third of an acre of surrounding land at a public auction for \$26,000.

The sale, which the voters approved in November, 1997, prompted a second lawsuit in which members of an atheist organization charged that the city should have been required to destroy the cross to satisfy constitutional requirements.

The plaintiffs have appealed the District Court's ruling to the U.S. Court of Appeals for the Ninth Circuit.

#### **MINORITY CONTRACTING INVESTIGATION**

Evidence pointing to abuse of the city's minority contracting program by "front" companies became the subject of a city attorney investigation in 1999. The U.S. Attorney conducted a parallel investigation.

The city attorney filed suit against Scott-Norman Mechanical, charging officers and directors of the Bay Area construction firm with falsely asserting the company was a minority business enterprise in order to gain city contracts.

The suit, now pending in Santa Clara County Superior Court, charges Scott-Norman's owners with securing contracts valued at \$20-50 million on the expansion project at San Francisco International Airport as the result of making false claims.

The minority contracting program is intended to correct discriminatory contracting practices in city contracting.

At this writing, the city attorney's investigation into abuses of the program was still underway.

### EQUAL BENEFITS DEFENSE

The city won a victory for domestic partnerships in 1998 and 1999 when a U.S. District Court judge upheld the constitutionality of the San Francisco Equal Benefits Ordinance.

The ordinance requires that most companies doing business with the city offer the same benefits to domestic partners of employees as to married spouses. It was challenged in separate lawsuits by the airline industry and the American Center for Law and Justice, a legal institute affiliated with Pat Robertson.

The judge ruled in a series of decisions that the city can require companies to provide equal benefits as long as it "wields no more power than an ordinary consumer in its contracting relationships."

The practical result of the rulings is that the ordinance survived constitutional challenge and may be applied intact to virtually all of the city's contractual relationships. The decision carves out a partial exception for the airlines, however, because the city is less of an "ordinary" consumer at the airport where it has a monopoly. As a result, the city may not require the airlines to offer health and pension benefits, which are already governed by federal law.

Following the rulings, some airlines began to offer full benefits anyway. Others said they would offer only those benefits required under the ruling such as spousal flight discounts, family medical leave and bereavement leave. Despite their compliance, the airlines appealed the ruling to the Ninth Circuit U.S. Court of Appeals.

### TOBACCO LAWSUITS

San Francisco's lawsuits against the tobacco industry, which were settled as part of a national multi-state agreement in November, 1998, broke new ground for cities and counties.

As a result of the suits, California is one of the only states in the country where local governments participated in the settlement agreement. All 58 California counties and the state's four largest cities, Los Angeles, San Francisco, San Diego, and San Jose will receive roughly \$12 billion in payments by the year 2025, which is half of the total due to be paid to the state.

San Francisco's share of the proceeds is estimated at \$586 million.

The two principal San Francisco suits, one in federal court and one in state court, were filed in 1996. They sought to stop the tobacco companies from targeting minors, misleading the public about the addictive nature of cigarettes, manipulating nicotine levels, and engaging in other misconduct. The suits also demanded hundreds of millions of dollars in penalties.

San Francisco was the first city in the country to sue the industry, and was eventually joined in its suits by cities of Los Angeles and San Jose and 15 California counties representing over half the population of the state, as well as four state-wide public health organizations. The city sued in 1996, prior to all but nine states, including California.

A third lawsuit by San Francisco and its co-plaintiffs against RJ Reynolds was resolved in September, 1997. The suit charged RJR with illegally using the Joe Camel advertising campaign to induce minors to smoke.

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The City Attorney and her staff must also be commended. It is rare in my experience to see such a complete immersion by the legal staff in the development of election procedures. In addition to their involvement in the legal aspects, they also physically assisted in every stage of actual processing of ballots. They were busy continuously throughout. Please convey my appreciation for their impressive commitment to the election process.

Bill Jones  
California Secretary  
of State  
November, 1999

Filed in 1991 by Janet Mangini, a private citizen, the Joe Camel suit was joined by the cities and counties in March, 1997. It was credited by RJR with being "an early, significant and unique driver" in the company's decision to end the Joe Camel campaign nationwide.

RJR paid \$10 million to the cities and counties for anti-smoking programs. The funding benefited a variety of initiatives statewide, including community teen centers and enforcement of laws preventing cigarette sales to minors.

As part of the settlement, RJR released internal documents revealing for the first time its efforts to create a youth market. The documents, widely regarded as explosive evidence against the industry, helped fuel the multi-state lawsuits.

#### **BOND FUND RECOVERY**

San Francisco's lawsuit against Bank of America charged the bank with fraud in the management of municipal bond proceeds. It was settled in 1998 for \$187.5 million.

The settlement proceeds were paid to the state and to local jurisdictions. San Francisco received nearly \$20 million.

The city attorney represented 270 cities, counties, and local districts in the suit, which was filed in 1995 under the state whistleblower law by a former bank vice president. The city joined the suit in 1997, followed by the state and other local governments.

The suit charged the bank with mismanaging nearly 14,000 bond issues since the 1940s valued at \$100 billion. Internal memoranda revealed the bank used money from the bonds to pay for its own operations. Bank officials falsified records in an effort to retain bond funds that belonged to the state and local governments.

The bond proceeds were intended to finance schools, housing, roads, sewers, libraries, clean water projects, public safety improvements, recreation facilities, and other community services.

#### **ESCROW ACCOUNT PROTECTION**

San Francisco and the state of California are co-plaintiffs in a May, 1999 class action lawsuit charging escrow and title insurance companies with defrauding California homebuyers.

The suit, which seeks the return of millions in mismanaged escrow funds, grew out of a separate lawsuit brought by City Attorney Louise Renne and District Attorney Terence Hallinan against Old Republic Title Co. in August, 1998.

San Francisco charged Old Republic and four of its top executives with committing fraud against California homebuyers and the state, including setting up a shell corporation to illegally collect escrow account interest payments that should have been paid to homebuyers.

The San Francisco suit against Old Republic eventually led the state to sue the entire title insurance industry.

Charges in the suits are similar. The companies failed to return unused escrow funds to homebuyers and the state, they illegally kept interest payments, and they charged for services they never provided.

Since the suits were filed, Old Republic has turned over \$22 million to state regulators. The state controller has so far identified an additional \$13 million owed by 26 other companies. The eventual recovery could be much higher.

The taste for tough challenges has earned San Francisco City Attorney Louise Renne high praise as an activist city attorney, and won recognition for her staff for being on the front lines of some of the thorniest legal questions facing American cities.

San Francisco Chronicle  
January, 1998



## SMOKE FREE WORKPLACE COMPLIANCE

In a nationally-watched case, San Francisco's enforcement of the California Smoke Free Workplace Act was upheld by a Superior Court judge in February, 2000.

The decision, authorizing the city to sue bar owners for allowing customers to smoke, was the first of its kind in the U.S.

San Francisco has filed five civil actions charging bar owners with creating a public nuisance and engaging in unfair business practices by allowing smoking in violation of state law.

The law, passed in 1995, is intended to protect employees from the dangers of secondhand smoke, which kills an estimated 4,700 to 7,900 nonsmoking Californians each year. Bars were phased into the law in 1998.

The suits were filed in San Francisco Superior Court after warning notices and citations by inspectors from the Department of Public Health failed to achieve compliance.

One suit was settled when the bar owner agreed to comply. In the others, the city is seeking court orders enjoining smoking plus \$2,500 in penalties for each violation.

## PROPOSITION 209 LITIGATION

Proposition 209, the state initiative banning "preferential treatment" on the basis of "race, sex, color, ethnicity, or national origin" in public employment, contracting, and education has been a subject of litigation involving the city since its passage in 1996.

San Francisco was closely involved in legal efforts challenging the constitutionality of Proposition 209 shortly after its adoption. The city participated in an unsuccessful federal

lawsuit brought by civil rights organizations against the proposition.

The city won two Prop. 209 lawsuits challenging the San Francisco minority and women contracting program. Both suits were decided on appeal, though neither court ruled on the constitutionality of Prop. 209.

A third suit challenging airport employment policies is pending in San Mateo County Superior Court.

San Francisco has assisted as a friend of the court in other local government efforts to defend equal opportunity programs challenged under Prop. 209. One case, involving the city of San Jose's minority contracting program, is pending before the California Supreme Court. Another, in which U.C. Regent Ward Connerly challenged state contracting and employment programs, is also on appeal.

## ENVIRONMENTAL CLEAN-UP ACTIONS

The city attorney has assigned a special team of attorneys to work on environmental issues, including enforcement of hazardous waste clean-up laws.

In 1999, the office was instrumental in rehabilitating an illegal toxics dump site on Yosemite St. in the Bayview district. When the operators of the dump refused to undergo the necessary regulatory procedure to gain approval as a legitimate disposal site, the Department of Public Health referred the case to the city attorney for prosecution.

The city attorney worked closely with other state and city agencies to close down the illegal operation, winning legal settlements resulting in the removal of 3,500 cubic yards of solid waste and 1,500 cubic yards of asbestos-laced dirt.

In its first six months, the City Attorneys Code Enforcement Task Force closed down five crack houses and several illegal auto repair facilities. From January to April, 1999, the unit brought in \$575,000 in fees.

California Lawyer Magazine  
August, 1999

Today, the cleaned-up property is under new ownership and all illegal dumping activities have been halted.

In a second toxics abatement action on Potrero Hill in 1999, the city ordered the clean-up of a former battery manufacturing plant. Inspection at the site revealed 60 cubic yards of debris, including material containing asbestos and lead in the crawlspace under the property.

The clean-up was one of the more legally complex environmental actions undertaken by the city. It involved the development of a new hearing process, which was designed by the city attorney, plus the preparation of complex clean-up and abatement orders. The legal action against the parties responsible for the site resulted in the removal of the toxic debris and the negotiated recovery of city oversight costs as well as the imposition of penalties.

### NEWSRACK RENOVATION PROGRAM

A federal judge ruled in December, 1999 that the city may proceed with its plan to install pedestal mounted news racks, called ped-mounts, on city sidewalks.

The judge lifted an earlier injunction temporarily blocking enforcement of the plan, but he refused to dismiss two lawsuits seeking to have it declared unconstitutional.

The city was sued by newspaper publishers opposed to the ped-mounts on First Amendment and other constitutional grounds.

The ped-mount ordinance, approved by the Board of Supervisors in June, 1998, designated certain areas of the city where newspapers can be distributed from the ped-mounts rather than free-standing news racks.

The ordinance requires the adoption of regulations before the ped-mounts can be installed. A Newsrack Advisory Committee was charged with recommending regulatory guidelines to the Department of Public Works. Deputy city attorneys worked with the advisory committee and the department to develop the guidelines.

Installation of the ped-mounts is awaiting completion of the guidelines.

An earlier court ruling largely upheld the validity of the ordinance, but nevertheless imposed the temporary injunction.

In the ruling, the court said the ordinance "appears to be a permissible time, place and manner restriction" allowable under the First Amendment, and does not regulate the content of newspapers. It also said the ordinance does not violate equal protection laws.

Nevertheless, the court prevented the city from enforcing the ordinance until it provided for prompt administrative and judicial appeal of permit application decisions. The Board of Supervisors amended the ordinance, leading to the lifting of the injunction.

### CORPORATE TAX CHALLENGE

San Francisco is fighting a constitutional challenge to its business tax ordinance brought by General Motors, Eastman Kodak, and a number of other companies.

The California First District Court of Appeal ruled in 1999 that a previous version of the tax law discriminated against out-of-town businesses. The city amended the law in 1997. The current suit challenges the amended law.

The challenge has resulted in conflicting rulings in San Francisco Superior Court. In March, 2000 the court denied a motion for

I am a child welfare supervisor in the San Francisco Department of Human Services. I am writing to tell you what an incredible job your deputy city attorneys did on behalf of [juvenile dependent]. It was a prime example of how top notch professionals employed by the city not only do their work well, but go far and above what anyone could dare hope for to make sure our children are protected.

Mary O'Grady  
September, 1999

summary judgement by GM and Kodak. In May, the same court denied a subsequent motion for summary judgement by the city.

The city is appealing the May ruling.

## GUN SAFETY PROSECUTION

*The following overview of municipal gun lawsuits is excerpted from an article by San Francisco Deputy City Attorney Owen Clements which appeared in the November-December, 1999 issue of Municipal Lawyer magazine.*

Perhaps the most important mission of local governments is to safeguard the health and safety of their residents. Gun violence is a perpetual threat to this mission. Twenty-nine cities and counties, including San Francisco, filed lawsuits against the gun industry in 1998 and 1999 in order to impose responsible business practices on a reckless industry.

Co-plaintiffs in the San Francisco suit are the cities of Berkeley, Oakland, East Palo Alto, Sacramento and the counties of San Mateo and Alameda. The suit and a similar one filed by southern California cities resulted from a task force on gun violence convened in 1998 by San Francisco City Attorney Louise Renne and Los Angeles City Attorney Jim Hahn.

The suits seek reform of irresponsible distribution practices and unsafe gun design.

### Wrongful Distribution Practices

Federal law prohibits many people — including felons, juveniles, the mentally ill, and substance abusers — from purchasing a firearm. Despite this law, prohibited buyers have ready access to handguns and assault weapons through an illegitimate secondary market. Not only does the gun industry ignore these sales, which are the source of a substantial portion of its profits, gun makers

facilitate this market through their distribution practices.

Unlike other industries that manufacture dangerous products, the gun industry has studiously avoided taking responsibility once the guns leave the loading dock. Most manufacturers of other products take steps to reduce risks, such as carefully screening, training and monitoring distributors and dealers; selling products only through authorized dealers; requiring dealers and distributors to adopt reasonable marketing practices; and disciplining or terminating those who fail to do so.

The gun industry, in contrast, generally refuses to take such reasonable steps to curb improper sales. Moreover, the industry engages in practices that increase the likelihood that unauthorized users will be able to buy guns.

For example, gun makers readily sell their products to “kitchen table” dealers, people who sell guns out of their own homes, unencumbered by the usual responsibilities and legal duties of small business ownership. As a result, kitchen table dealers are more likely to sell to unauthorized purchasers.

Industry practice also allows unregulated gun show sales and other suspicious transactions that lead to unlawful possession of firearms. The industry does next to nothing to train or to regulate its downstream distributors and dealers to prevent such sales.

The industry's failure to adopt appropriate guidelines appears to be part of a conscious attempt to distance itself from the ultimate users of its products, and thereby to insulate itself from liability for the foreseeable misuse of firearms.

I read about your enforcement action against those establishments that are not complying with the California Smoke Free Workplace Act. Congratulations. Your action not only sends the right message locally, it sends it across the nation.

Hubert H. Humphrey III  
Minneapolis, MN  
August, 1999

San Francisco's lawsuit and the other city suits will increase the pressure on the gun industry to reform its distribution practices in order to minimize the risks associated with its products.

#### Unsafe Design

Anyone who gets a gun can use it. This fact leads to many preventable shootings and suicides. Unintentional shootings cause as many as 1,400 deaths and 20,000 injuries requiring treatment in hospital emergency rooms annually. The General Accounting Office has concluded that firearm design is a contributing factor in one-third of all unintentional gunshot deaths and injuries, and that these incidents could be prevented by the implementation of existing safety devices.

Firearm manufacturers have nevertheless failed to build feasible and existing safety devices into their guns. This failure is particularly troubling in light of the fact that juveniles who are attracted to firearms often do not understand the risks associated with handling them. Incorporating safety devices would prevent thousands of injuries and deaths, and decrease medical expenses and other economic costs borne by local governments in excess of \$170 million per year.

The risk can be reduced in a number of ways. Guns can be designed to make it difficult for children to fire them, just as aspirin bottles are now designed to be child-proof. Guns can be sold with locking devices or, better yet, they can incorporate locking devices into their designs. Personalized gun technologies can also be implemented or developed to prevent a gun from being fired by anyone other than its owner.

In a recent public opinion poll, 88% of respondents supported the childproofing of weapons and 71% favored personalized gun technology. Despite public support for such safety steps, to date no firearm manufacturer

has brought a personalized gun to the market. To the contrary, the industry appears to shy away from developing such devices, for fear of confirming that their existing products are unsafe.

Like any other maker of consumer products, the gun industry has a duty to make its product as safe as possible. This means that feasible safety devices should be included in the design of all weapons to prohibit unauthorized access and to prevent unintentional shootings. Municipal lawsuits have the collective capacity to force change upon an industry that refuses to take responsibility for the death and destruction caused by its products.

San Francisco City Attorney Louise Renne has transformed her office from a middle-of-the-road defense shop to a powerhouse defense and plaintiffs firm. In the process she has built one of the most highly regarded city attorney's offices in the country.

The Recorder Newspaper  
June, 1999

